



LOS ANGELES COUNTY DEPARTMENT OF MENTAL HEALTH  
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TO: All Providers

FROM: Roderick Shaner, M.D.  
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SUBJECT: **FREQUENTLY ASKED QUESTIONS (FAQs) REGARDING DETENTION  
UNDER WELFARE AND INSTITUTION CODE (WIC) 5150**

The Department of Mental Health (DMH) now considers the seventy-two hours of detention under WIC Section 5150 to begin at the time of the admission to a Lanterman-Petris-Short (LPS) designated facility.

The attached is a list of FAQs concerning the effects of this change on DMH guidelines and procedures.

Additional questions may be addressed to Marion Czubiak, R.N., M.S.N., DMH LPS Coordinator. Marion can be reached via email at [mczubiak@dmh.lacounty.gov](mailto:mczubiak@dmh.lacounty.gov) or by phone at (213) 639-6315.

RS:MO:mg

Attachment

Frequently Asked Questions (FAQs)  
Regarding Changes in the Los Angeles County of Los Angeles Department of Mental Health  
(LAC DMH) Procedures  
Related To Detention under Welfare and Institutions Code (WIC) Section 5150  
2012-12-21

**Part 1: Lanterman-Petris-Short (LPS) Designated Facilities**

**Question 1:** When a non-LPS designated facility wishes to transfer an individual who has been detained on a WIC 5150 application for more than 72 hours, will DMH expect the LPS designated facility to consider the WIC 5150 application to be valid for purposes of transfer?

**Answer 1:** Yes, presuming all other aspects of the detention noted comply with DMH LPS designation guidelines and other criteria for transfer acceptance are present. DMH expects LPS designated facilities to manage transfers of individuals properly detained under WIC 5150 in the manner specified in DMH LPS designation guidelines. The Department also recognizes that additional clinical and administrative factors are considered by institutions involved in transferring involuntarily detained individuals, beyond the presence of a valid detention under WIC 5150.

**Question 2:** To be compliant with LAC DMH interpretation on WIC 5150, how long may an individual admitted to a DMH LPS designated facility be involuntarily detained under WIC 5150, and does the duration in any way depend on when the WIC 5150 detention was initiated?

**Answer 2:** Assuming that the individual was not previously detained under California Health and Safety Code (HSC) Section 1799, the admitted individual may be involuntarily detained for up to 72 hours after the time that a determination was made to continue detention at the LPS designated facility, following the mandated WIC 5151 assessment. The inpatient detention time is otherwise not affected by the time the individual originally was detained under WIC 5150 detention prior to completion of the WIC 5151 evaluation.

If the admitted individual was previously detained under HSC 1799, the maximum inpatient detention time under WIC 5150 is shortened by the time the individual was detained under HSC 1799. In such cases, the individual may be detained involuntarily for up to 72 hours after the time the mandated WIC 5151 assessment was completed and a determination was made to continue detention at the LPS designated facility, minus a maximum of 24 hours for the time that the individual had been detained under HSC 1799.

**Part 2: Non-LPS Designated Facilities**

**Question 3:** Does DMH consider it acceptable for staff of a non-LPS designated facility to release from WIC 5150 detention an individual who was placed in detention by an LPS authorized entity that has subsequently left the facility?

**Answer 3:** DMH has no authority under WIC 5150 to proscribe such actions. The non-LPS designated facility may wish to consult with its legal counsel regarding any statutory or liability issues.

**Question 4:** To be compliant with DMH LPS Designation Guidelines, may staff of a facility that is LPS designated through LAC DMH release from WIC 5150 detention an individual who was placed in detention?

**Answer 4:** Yes, in certain instances. DMH LPS designation guidelines require that the LPS designated facility first conduct a 5151 assessment to determine whether or not inpatient admission is required.

**Question 5:** May a non-LPS designated facility detain an individual under WIC 5150 in instances in which the detaining authority has left the facility?

**Answer 5:** DMH has no authority to require such detention. During instances in which non-LPS designated facilities may wish to continue detention, it may wish to consult with its counsel regarding the legal basis for continuing such detention.

**Question 6:** When a non-designated facility admits to an inpatient status an individual who was involuntarily detained under WIC 5150 and left there by the detaining authority, does DMH consider the 5150 detention to be valid for transfer to an LPS designated facility?

**Answer 6:** No. DMH does not consider detention under 5150 with subsequent admission to a non-designated inpatient status to be valid. DMH designation guidelines require a valid 5150 detention for involuntary transfer of an individual from a non-designated facility to an LPS designated facility.

**Question 7:** May DMH staff (PMRT, other) require the staff of a non-designated facility to continue involuntarily detention of an individual detained under WIC 5150, after the staff who originally initiated the 5150 detention has left the facility?

**Answer 7:** No. DMH has no authority to require the staff of a non-designated facility to continue involuntarily detention of an individual that the DMH staff (or any other entity) has detained under WIC 5150, after the staff who originally initiated the WIC 5150 detention has left the facility. The non-LPS designated facility may wish to consult with its legal counsel regarding any statutory or liability issues.

**Question 8:** If an individual detained under WIC 5150 is subsequently re-evaluated by an LPS authorized individual prior to 5151 evaluation to determine the need for inpatient treatment, does DMH consider a second 5150 application valid and, if so, does it supersede the original 5150 application?

**Answer 8:** Yes, DMH considers the second 5150 application to be valid, and it supersedes the original 5150 application. The most recent assessment is likely to represent the more accurate reflection of the presence of probable cause for further detention.

**Question 9:** Will changes in DMH LPS-related procedures affect PMRT response to requests for on-site PMRT assessments in emergency rooms?

**Answer: 9:** Yes, in certain instances. PMRT may not afford the same level of priority to requests for onsite PMRT assessment of individuals already detained under WIC 5150 when the request is made solely for the purpose of re-evaluation after a set period since the original WIC 5150 detention has been initiated.